

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

AUG 23 2005

FILE

OFFICE OF  
MANAGING DIRECTOR

Mr. Kent Ries  
600 S. Tyler, Suite 1300  
Amarillo, Texas 79101

Re: North River Investments, Inc.  
Request for Waiver of Filing Fee  
Fee Control No. 00000RROG-05-48

Dear Mr. Ries:


This letter responds to your petition filed March 30, 2005 on behalf of North River Investments, Inc. (North River), licensee of KDDD (AM), Dumas, Texas, for waiver of the \$150 filing fee in connection with its license renewal application filed on March 29, 2005. Our records show that you have not paid this fee.


You assert in your petition that the bankrupt status of North River establishes good cause for waiver of the filing fee. In support, you state that the United States Bankruptcy Court for the Northern District of Texas has appointed you Trustee of the Chapter 7 bankruptcy estate of Joel Keppel Williamson, full owner of North River. You also state that the FCC's Audio Division of the Media Bureau has consented to involuntary transfer of control of North River to you as Trustee. You submit copies of orders issued by the Bankruptcy Court which show, among other things, that North River filed for Chapter 7 bankruptcy on August 5, 2004. You also assert that waiver will serve the public interest by enabling you, as Trustee, to preserve assets that will accrue to innocent creditors.

Section 1.1117 of the Commission's rules, 47 C.F.R. §1.1117, provides that filing fees may be waived upon a showing of good cause and a finding that the public interest will be served thereby. *See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985*, 5 FCC Rcd 3558, 3572-73 (1990). We find that the bankruptcy filing involving North River substantiates your claim of financial hardship and demonstrates good cause for waiver of the filing fees. *See MobileMedia Corporation*, 14 FCC Rcd 8017, 8027 (1999) (bankruptcy establishes good cause for waiver of filing fee). Moreover, waiver of the filing fees will serve the public interest by protecting the interests of innocent creditors. Therefore, your request for waiver of the application filing fee in connection with the license renewal application for KDDD-AM is granted.

If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Reger', with a stylized flourish at the end.

 Mark A. Reger  
Chief Financial Officer

Before the  
Federal Communications Commission  
Washington, D.C. 20554

RECEIVED - FCC

MAR 30 2005

In the Matter of

**NORTH RIVER INVESTMENTS, INC.**

Form 303-S Application For Renewal of License  
KDDD-FM, Dumas, TX (Facility ID 74311)

Federal Communication Commission  
Bureau / Office

OMD Docket No.  
FCC File No.

To: The Managing Director

**REQUEST FOR FILING FEE WAIVER**

Kent Ries, Trustee of the Chapter 7 bankruptcy estate of Joel Keppel Williamson<sup>1</sup> and Interim Trustee of the Chapter 7 bankruptcy estate of North River Investments, Inc., hereby respectfully requests waiver of the \$150 filing fee (Code MGR) that otherwise would be applicable to the filing of the licensee's Form 303-S application to renew the license of radio station KDDD-FM, Dumas, TX. Waiver is requested pursuant to Section 1.1117 of the Commission's rules. As discussed below, waiver is requested based on financial hardship.

**In accordance with Section 1.1117(c) and (e), this submission is in the form of a separate pleading marked to the attention of the Managing Director and attaches a copy of the Form 303-S application for renewal of the KDDD-FM license.**

In support hereof, the following is respectfully shown:

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<sup>1</sup>Joel Keppel Williamson is 100% owner of North River Investments, Inc., the licensee of KDDD(AM) and KDDD-FM, Dumas, TX. A separate request for waiver of the FCC filing fee applicable to the Form 303-S application to renew the KDDD(AM) license is being submitted contemporaneously herewith.

Section 1.1117 of the Commission's rules provides for waiver of FCC filing fees upon a showing of good cause and a finding that the public interest will be served thereby. Section 1.1117(c) provides for waiver of filing fees based on financial hardship. Under Commission policy, "[e]vidence of bankruptcy or receivership is sufficient to establish financial hardship,"<sup>2</sup> and the Commission has waived filing fees on that basis.<sup>3</sup>

In the instant case, the United States Bankruptcy Court for the Northern District of Texas, Amarillo Division, has appointed Kent Ries: (i) Trustee of the Chapter 7 bankruptcy estate of Joel Keppel Williamson, 100% owner of North River Investments, Inc., the licensee of KDDD(AM) and KDDD-FM, Dumas, TX, in Case No. 04-20973-rlj7; and (ii) Trustee of the Chapter 7 bankruptcy estate of North River Investments, Inc., in Case No. 05-20123-rlj7. *See* Exhibits 1 and 2 hereto. The Audio Division of the FCC's Media Bureau consented to involuntary transfer of control of North River Investments, Inc. to Kent Ries, Trustee for Bankruptcy Estate of Joel Williamson, under FCC File Nos. BTC-20050307ABF/BTCH-20050307ABG, which was completed on March 18, 2005.

Based on the foregoing, it is respectfully submitted that the Chapter 7 Bankruptcy of the licensee and its 100% shareholder establishes good cause to waive the \$150 filing fee that otherwise would be applicable to the subject filing. It is further submitted that, in accordance with the above-cited Commission case precedent<sup>4</sup>, grant of the requested

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<sup>2</sup> *Memorandum Opinion and Order*, "Implementation of Section 9 of the Communications Act Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year," 10 FCC Rcd 12759 at para. 14 (1995).

<sup>3</sup> *See e.g., Mobilemedia Corporation*, 14 FCC Rcd 8017 at para. 40 (1999) ("[W]aiver of the fee will serve the public interest by enabling Mobilemedia to preserve assets that will accrue to innocent creditors.")

<sup>4</sup> *See* Note 3, *supra*.

waiver will serve the public interest by enabling the Trustee to preserve assets that will accrue to innocent creditors.

WHEREFORE, the premises considered, it is respectfully submitted that the instant request for filing fee waiver should be granted.

Respectfully submitted,

**KENT RIES, CHAPTER 7 BANKRUPTCY  
TRUSTEE FOR JOEL WILLIAMSON**

By: 

Kent Ries  
600 S. Tyler, Suite 1300  
Amarillo, TX 79101  
(806) 242-7437  
kent@kentries.com

Dated: 3/29/2005

# EXHIBIT 1

In re Joel Keppel Williamson  
Case No. 04-20973-RJL-7

Notice of Chapter 7 Bankruptcy Case